

**THIRTY-EIGHTH DAY**

(Wednesday, March 19, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence Granted**

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

**Reports of Standing Committees**

Senator Weinert submitted the following reports:

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 401, A bill to be entitled "An Act amending Section 1 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, as amended by H. B. No. 216, Acts of the Regular

Session of the Forty-seventh Legislature, by eliminating certain restrictions that airports acquired by cities without condemnation proceedings be situated within the limits of the county in which such cities are located; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 396, A bill to be entitled "An Act amending Article 2789 of the Revised Civil Statutes of Texas, relating to the refunding of bonds issued by any town or village incorporated for free school purposes only, or any common, independent, or consolidated common, or consolidated independent county line, or consolidated county line or rural high school district; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 374, A bill to be entitled "An Act authorizing county and district attorneys and criminal district attorneys to file and prosecute suits on behalf of taxing entities for the recovery of funds misapplied, misappropriated or unlawfully expended; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by committee amendment number 1, and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 365, A bill to be entitled "An Act to be known as Article 1577a of the Revised Civil Statutes of the State of Texas of 1925; providing the manner and terms for selling or trading real estate or interests therein or personal property of a county; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 364, A bill to be entitled "An Act to be known as Article 962a of the Revised Civil Statutes of the State of Texas of 1925; providing the manner and terms for selling or trading real estate or interests therein or personal property of a city or town; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 442, A bill to be entitled "An Act validating certain outstanding Road and Bridge Time Warrants of Medina County, Texas, heretofore issued to provide funds for road and bridge purposes, including the purchase of rights of way and road machinery; and authorizing the Commissioners' Court of Medina County to fund or refund into coupon road and bridge funding or refunding bonds of said county; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 389, A bill to be entitled "An Act amending Article 5954 of the Revised Civil Statutes of Texas of 1925 relative to authority of Notaries Public and requiring them to print or stamp their names under their signature when signed in their official capacity; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 374, A bill to be entitled "An Act to amend Chapter 57 of the Acts of the Forty-first Legislature of Texas, Regular Session, as amended by Chapter 200 of the Acts of the Forty-fifth Legislature of Texas, Regular Session, by amending Sections 12 and 13b thereof so as to provide for the funding of scrip and warrant indebtedness of the Road and Bridge Fund of Montgomery County, Texas, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 256, A bill to be entitled "An Act to provide that the commissioners' court of any county in the State may abolish dormant road dis-

tricts which have paid off and discharged all of the bonds issued and sold by said road district, or when an election in such created road district for issuance of bonds shall have failed, or when the bonds issued by such road district have been assumed and exchanged for county bonds under the Compensation Bond Statutes, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 247, A bill to be entitled "An Act to amend Article 6078 of the Revised Civil Statutes of Texas, 1925, so as to fix the number and extent of county parks; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu of the original bill, and that the committee substitute be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 262, A bill to be entitled "An Act authorizing independent school districts which heretofore have issued delinquent tax notes or certificates of indebtedness under the provisions of Chapter 16, passed at the Forty-sixth Legislature to issue negotiable bonds to refund such notes and certificates, and to levy a tax for payment of such bonds; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 297, A bill to be entitled "An Act to amend Article 883 of the Revised Civil Statutes of Texas, 1925, relating to the limitation or restriction of the liability of railroads and other common carriers as it exists in common law; providing that said railroads shall not limit or restrict their liability as such by any general or special notices or by inserting exceptions in the bill of lading or memorandum given upon the receipt of the goods for transportation, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 289, A bill to be entitled "An Act to amend Article 4477 of the Revised Civil Statutes of Texas, Rule 82, Sanitary Code, regulating the shipment of dead bodies not by express, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 12, A bill to be entitled "An Act amending Article 5510 of the Revised Civil Statutes of 1925, relating to the ten year limitations on actions to recover lands, tenements and hereditaments so as to require the person in peaceable and adverse possession to pay all taxes without delinquency during the last five years

of such adverse possession; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, and that notice of minority report was given by Senators Stone, Graves, and Vick.

WEINERT, Chairman.

Senator Ramsey submitted the following report:

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 708, A bill to be entitled "An Act to create Road District No. 4 of Lamb County, Texas; defining its boundaries; providing that said district shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Kelley submitted the following reports:

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 220, A bill to be entitled "An Act granting the commissioners' court of counties having a population of not less than twenty-four thousand three hundred (24,300) nor more than twenty-four thousand three hundred sixty (24,360), according to last preceding Federal Census, and having a permanent school fund permission to transfer the administration, investment, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that the substitute pass in lieu of the original bill, and be not printed.

KELLEY, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 224, A bill to be entitled "An Act conferring additional powers on the board of trustees in any independent school district having a scholastic population of not less than five hundred (500) and located in any county in this State having a population of not less than four thousand five hundred and twenty-one (4,521) and not more than four thousand five hundred and thirty-three (4,533), according to the last preceding Federal Census; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 98, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to request the War and Navy Departments of the United States to establish and maintain military and naval training at said institution, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 11, A bill to be entitled "An Act to amend Article 2746, Re-

vised Civil Statutes of Texas, 1925, relative to payment of persons holding elections of local school trustees; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 284, A bill to be entitled "An Act relating to taxes in common and independent school districts; authorizing districts to increase tax levies for debt service to One (\$1.00) Dollar and total tax for maintenance and bonds to not more than One and 50/100 (\$1.50) Dollars, under the circumstances prescribed in this Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 227, A bill to be entitled "An Act authorizing the county board of trustees in counties having a population of not less than five thousand, nine hundred (5,900) nor more than six thousand (6,000), as shown by the Federal Census of 1940, to set aside a certain amount of the Available School Fund apportioned to such counties, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 253, A bill to be entitled "An Act to amend S. B. No. 297, passed by the Regular Session of the Forty-sixth Legislature relative to the execution by teachers and school employees of assignments of salaries or wages and providing that such assignments shall be valid and enforceable only in the event at the time of or prior to, the execution, delivery or acceptance thereof, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate that it do pass with the attached committee amendment No. 1, and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 424, A bill to be entitled "An Act to permit any county containing a population not less than seven thousand, one hundred (7,100) nor more than seven thousand, four hundred and ninety-seven (7,497) according to the last preceding Federal Census, or any future Federal Census, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 283, A bill to be entitled "An Act amending S. B. No. 113, Chapter 309, Acts of the Regular Session of the Forty-fifth Legislature, (relating to certain disbursements from available school fund); declaring the Act to be severable; and declaring an emergency."

Have had the same under consideration and I am instructed to report it

back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Senator Moore submitted the following reports:

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 362, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than six hundred forty (640), nor less than six hundred thirty (630), according to the 1940-41 scholastic census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 363, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than eight hundred forty (840), nor less than eight hundred thirty (830), according to the 1940-41 scholastic census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 154, A bill to be entitled "An Act to amend Section 24, Chap-

ter 241, H. B. No. 755, Acts of the Regular Session of the Forty-fourth Legislature, by adding a new paragraph to said Section 24, to be known as Subsection (c), directing the Treasurer to promulgate rules and regulations providing for the exchange or replacement of new stamps for any stamps affixed to any package of cigarettes under certain circumstances; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 326, A bill to be entitled "An Act to amend the subject matter embraced in Section 7, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended by Section 3, Chapter 67, General and Special Laws, Forty-fifth Legislature, Regular Session, as amended by Section 4, Chapter 2, General Laws, Forty-sixth Legislature, Regular Session; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 31, Granting Rogers Hale and Homer Sessions permission to sue the State.

Have had the same under consideration and do hereby recommend that the same do not pass, but that the committee substitute hereto attached do pass in lieu of the original resolution and be not printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 137, A bill to be entitled "An Act granting to Arol Kerley and W. E. Pendergrass permission and right to sue the State of Texas and the Railroad Commission of the State of Texas, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 276, A bill to be entitled "An Act granting permission to Thomas H. Fort to file and prosecute suit against the State of Texas and the State Highway Commission, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 51, Authorizing Federal Life Insurance Company to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 32, Authorizing Bob Millard to file suit against the State Highway Department, State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

MOORE, Chairman.

Senator Smith submitted the following reports:

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 503, A bill to be entitled "An Act regulating the use of duck blinds in the waters of Harrison and Marion Counties, Texas; providing license tax for the use of commercial blinds; providing exceptions; providing a penalty; providing defense in certain cases; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

SMITH, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 504, A bill to be entitled "An Act amending H. B. No. 386, Forty-sixth Legislature, providing a closed season for taking game fish on Caddo Lake and all fresh waters of Harrison and Marion Counties; making certain exceptions; providing a suitable penalty for the violation of any portion of this Act; repealing all conflicting laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the

recommendation that it do pass, and be not printed.

SMITH, Chairman.

Senator Winfield submitted the following reports:

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 209, A bill to be entitled "An Act to amend Section 19 of S. B. No. 111, Chapter 61, page 100, Acts Second Called Session of the Forty-first Legislature, and to add Section 38-c to Section 38."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it pass with committee amendment No. 1, and that it be printed.

WINFIELD, Chairman.

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 166, A bill to be entitled "An Act to amend Chapter 160, page 406, Acts Regular Session of the Forty-third Legislature, as amended by S. B. No. 99, Chapter 12, page 33, Acts Regular Session of the Forty-fourth Legislature; repealing H. B. 135, Chapter 31, page 90, Acts Regular Session of the Forty-fourth Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it pass with committee amendment No. 1, and that it be printed.

WINFIELD, Chairman.

Senator Moffett submitted the following reports:

Committee Room,  
Austin, Texas,  
March 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 29, A bill to be entitled "An Act to amend Chapter 5, Title 14, of the Penal Code of Texas of 1925, as amended, by amending Ar-

ticles 1037 and 1037a relating to weights and measures, and by adding the new Articles numbered as follows: Articles 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, 1037i, and 1037j; prohibiting the sale, use, or possession of false weights, measures, or weighing or measuring devices and weights, measures, or weighing or measuring devices which have not been sealed by a weights and measures official; prohibiting the sale and use of devices which have been condemned for repairs; prohibiting the sale of commodities contrary to law; requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marking of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; requiring the name and address of manufacturer, packer, or distributor on packages; providing for certain variations in weight; prohibiting deceptive pack; providing for standard of fill of containers; providing standards for the sale of butter, bread, milk, meat and meat food products, including poultry; prohibiting misrepresentation of price or quantity of commodity, thing, or service; providing for establishment of rules and regulations, including a standard net weight, net measure, or net numerical count for commodities, products or articles, and including certain exemptions; defining certain terms; providing penalties for the enforcement of the Act; specifically repealing certain Acts and repealing all other laws in conflict; including a saving clause; and declaring an emergency."

Have had the same under consideration, and beg to report said bill back with the recommendation that it do not pass, but that the sub-committee substitute attached hereto, in lieu of H. B. No. 29, do pass and be printed.

MOFFETT, Chairman.

Committee Room,  
Austin, Texas,  
March 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 30, A bill to be entitled "An Act to amend Chapter 7, Title 93, of the Revised Civil Statutes of Texas of 1925, as amended, pertaining



to weights and measures, and the Babcock test for butterfat, by amending Article 5714, as amended by Acts of 1931, Forty-second Legislature, Chapter 83, page 125, and Articles 5736b and 5736c, as amended by Acts of 1931, Forty-second Legislature, Chapter 287, page 735, and by adding a new Article to be numbered 5714a; providing for the promulgation of specifications, tolerances, and regulations for commercial weighing and measuring devices; providing for the approval of pattern for commercial weighing and measuring devices; repealing the penalty in Article 5714; providing for the licensing of samplers and testers of milk and cream; providing for deposit of fees in State Treasury for enforcement of Act; eliminating substitute tester; reducing penalty provided in Article 5736c; repealing all laws in conflict herewith; including a saving clause; and declaring an emergency."

Have had the same under consideration, and beg to report said bill back with the recommendation that it do not pass, but that the committee substitute attached hereto, in lieu of H. B. No. 30, do pass and be printed.

MOFFETT, Chairman.

#### Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 72, Designating Mrs. Bess Odell Beeman, Texas Poet of Radio for the next two years.

H. C. R. No. 74, Authorizing the State Highway Department of Texas to lend a quantity of discarded guard wire to several schools in Stephens County.

H. C. R. No. 75, Authorizing the lending by State Highway Department of guard wire to Granbury Independent School District.

H. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas regulating the eligibility of civil officers and employees of this

State as candidates for nomination for, or election to, an elective office of honor, trust or emolument.

H. J. R. No. 10, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror shall be denied or abridged on account of sex; and by amending Sections 13, 17 and 29 of Article 5 so as to provide that grand and petit juries in the district courts shall consist of 12 persons, and in the county court of 6 persons; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Senate Bill 402 on First Reading

Senator Aikin moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The following bill then was introduced, read first time and referred to the Committee on Finance:

By Senator Aikin:

S. B. No. 402, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary and Re-

formatory Institutions of the State of Texas for the two-year period beginning September 1, 1941 and ending August 31, 1943; and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations; and declaring an emergency."

#### Senate Resolution 65

Senator Brownlee offered the following resolution:

Whereas, The American Legion is sponsoring a state high school oratorical contest, in which there are now left five contestants, and said contest will be held in Austin from 2:00 p. m. until 4:30 p. m. on Saturday, March 29, 1941; and

Whereas, The American Legion has requested permission to hold said contest in the Senate Chamber; now, therefore, be it

Resolved by the Senate of Texas, That permission is hereby granted by the Senate for said contest to be held in the Senate Chamber at said time.

The resolution was read; and by unanimous consent, it was considered at this time.

The resolution was adopted.

#### Senate Resolution 66

Senator Isbell offered the following resolution:

Be It Resolved by the Senate of the State of Texas, That the committee heretofore appointed under the terms of S. R. No. 19 be directed to continue their work for a period not to exceed 30 days from the passage hereof.

ISELL,  
HILL.

The resolution was read, and by unanimous consent, it was considered at this time.

The resolution was adopted.

#### Senate Bill 308 Re-referred

On motion of Senator Moore, S. B. No. 308 was re-referred from the Committee on State Affairs to the Committee on Finance.

#### House Concurrent Resolution 71

The President laid before the Senate (the resolution having been received from the House on yesterday):

H. C. R. No. 71, Inviting President Franklin D. Roosevelt to address a joint session of the Legislature.

The resolution was read and was adopted.

#### House Concurrent Resolution 72

The President laid before the Senate (the resolution having been received from the House today):

H. C. R. No. 72, Designating Mrs. Bess Odell Beeman as Poet of Radio for a period of two years.

The resolution was read, and on motion of Senator Brownlee and by unanimous consent, it was considered at this time and was adopted.

#### Committee Substitute House Bill 19 on Final Passage

(Unfinished Business)

The President laid before the Senate, as the unfinished business, on its final passage (the vote by which the bill had passed on March 13, 1941, having been reconsidered on yesterday):

C.S.H.B. No. 19, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of Texas passed by the Forty-first Legislature, Second Called Session, as amended by Section 5 of Chapter 282, Acts, Regular Session, Forty-second Legislature; repealing Section 7 of Chapter 282, Acts, Regular Session, Forty-second Legislature, and all laws in conflict herewith, said Acts relating to the operation of vehicles on the public highways of Texas; providing nothing herein shall be considered as authorizing increase in size or dimensions of commercial motor vehicles as now provided by law; and declaring an emergency."

With the following amendment by Senator Lanning pending:

Amend H. B. No. 19, as amended by striking out the figures "475" wherever they occur, and insert in lieu thereof the figures "700."

Question—Shall the amendment be adopted?

On motion of Senator Van Zandt and by unanimous consent, the bill, with pending amendment, was tabled subject to call.

**Signing of Resolutions**

The President signed in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

H. C. R. No. 69, Expressing regret at the death of the Honorable R. M. (Bob) Johnson.

H. C. R. No. 71, Inviting President Franklin D. Roosevelt to address a joint session of the Legislature.

H. C. R. No. 72, Designating Mrs. Bess Odell Beeman, Texas Poet of Radio for the next two years.

**House Bill 330 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 330, A bill to be entitled "An Act amending S. B. No. 355, same being Chapter 338, Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 309, same being Chapter 341, Acts of the Forty-fifth Legislature, as amended by S. B. No. 99, Acts of the Regular Session of the Forty-sixth Legislature, by adding a new Section prescribing the procedure to be followed by the Assessor and Collector of Taxes of Coleman County, Texas, in paying over to the Central Colorado River Authority the moneys granted said Authority under the provisions of Section 17a of S. B. No. 99, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 330 on Third Reading**

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 330 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hazlewood
Beck	Hill
Brownlee	Isbell
Chadick	Kelley
Cotten	Lanning
Fain	Lemens
Formby	Lovelady
Graves	Martin

Mauritz	Stone
Metcalfe	Sulak
Moffett	Van Zandt
Moore	Vick
Ramsey	Weinert
Shivers	Winfield
Smith	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

**Senate Bill 147 on Second Reading**

On motion of Senator York, and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 147 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 147, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to acquire, and maintain and operate airports for said institution and its branches; conferring the right of eminent domain; enacting other provisions in reference to the subject; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 147 on Third Reading**

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 147 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

**House Bill 303 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 303, A bill to be entitled "An Act making it unlawful to kill

or attempt to kill wild turkey or trap or molest same in Colorado, Wharton, Lavaca and Jackson Counties for a period of four years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 303 on Third Reading**

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 303 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

**House Bill 338 on Second Reading**

On motion of Senator York, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 338 at this time.

The President laid before the Senate of its second reading and passage to third reading:

H. B. No. 338, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to construct or acquire, and equip not more than six dormitories, an office building, and additional power and steam plant equipment, authorizing and requiring said Board to fix the fees and charges for the use of such buildings and to make parietal rules concerning the same; authorizing the issuance of negotiable revenue bonds payable from and secured by revenues from such buildings and of certain other buildings heretofore or hereafter constructed or acquired; authorizing said Board to furnish to certain buildings water, steam, power and electricity from the plant owned by the institution, to charge for such services as a part of the maintenance and operation expense of such buildings and to issue negotiable revenue bonds secured by and payable from the net revenues from such charges for the purpose of constructing or acquiring additional equipment for such plant, etc.; and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 338, page 3, by striking out all of line 16, beginning with the word "and" and all of lines 17, 18, 19, 20, 21 and 22, and substitute therefor the following: "In the event the revenues from the office building authorized by this Act are more than sufficient to meet the requirements for payment of interest and sinking fund for such bonds, the board is authorized to apply such surplus to the payment of interest and sinking fund for other obligations in Section 3 of this Act."

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 338, page 2, line 2, printed bill, by striking out the

words and figures "six" "(6)" and inserting the words and figures "four" "(4)."

MOFFETT,  
YORK.

The amendment was adopted by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Nays—1

Moore

Absent—Excused

Spears

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 338, page 3, by inserting a new Section to be numbered Section 9 and re-number subsequent Sections accordingly, said new Section reading as follows:

"Section 9. No brokerage fee or commission shall be paid out of the fund of the A. & M. College of Texas, or out of the funds to be derived from the bonds or other evidences of obligation authorized herein."

METCALFE,  
MOFFETT,  
YORK.

The amendment was adopted.

On motion of Senator Van Zandt, it was ordered that the caption be amended to conform with the body of the bill.

The bill was passed to third reading.

**House Bill 338 on Third Reading**

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 338 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

#### House Bill 159 on Second Reading

Senator Weinert moved that the regular order of business be suspended, to permit consideration of H. B. No. 159 at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Chadick
Beck	Cotten
Brownlee	Fain

Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York

Absent—Excused

Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 159, A bill to be entitled "An Act relating to marks and brands of live stock in Gonzales County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section requiring that in said county each owner of any livestock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said county; and further providing that the county clerk of said county shall publish this Act in some newspaper in general circulation in the county for a period of thirty (30) days; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 159 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 159 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

#### House Bill 522 on Second Reading

Senator Ramsey moved to suspend the regular order of business, to permit consideration of H. B. No. 522 at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Chadick	Graves

Hazlewood	Moore
Hill	Ramsey
Isbell	Shivers
Kelley	Smith
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York

Absent—Excused

Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 522, A bill to be entitled "An Act providing that the salary of county commissioners, in counties having a population of not less than seventeen thousand, four hundred seventy-five (17,475) nor more than seventeen thousand, five hundred (17,500), according to the last Federal Census, and having a taxable valuation in excess of Six Million, Eight Hundred Thousand (\$6,800,000.00) Dollars, for the next preceding year, shall be Eighteen Hundred (\$1,800.00) Dollars per year, payable out of the road and bridge fund of said county; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 522 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 522 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

## House Bill 5 on Second Reading

Senator Stone moved that the regular order of business be suspended, to permit consideration of H. B. No. 5 at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 5, A bill to be entitled "An Act defining industrial life in-

surance; forbidding the delivery or issuance for delivery of any policy of industrial life insurance, unless it shall contain certain provisions, and making said provisions subject to certain exceptions; securing to insureds and beneficiaries under policies previously issued, the right to select, under certain circumstances, extended or paid-up insurance and providing for the automatic selection of extended insurance in the event such insureds or beneficiaries fail to make a selection; designating additional optional provisions to be contained in policies of industrial life insurance; forbidding the inclusion of certain provisions in industrial life insurance policies; requiring approval of the Board of Insurance Commissioners of all policies of industrial life insurance, including such policies which provide for accident and health benefits in addition to natural death benefits, and all riders and endorsements before same can be delivered or issued for delivery; requiring written notice in case of disapproval of any policy, rider or endorsement; providing for an appeal from the decision of the board; providing that this Act and no other shall apply to and govern the form and content of industrial life insurance policies; providing that upon proper showing to the Board of Insurance Commissioners of inability of an insurer to comply with this Act immediately upon the same becoming effective, such insurer may at the discretion of the board have sixty (60) days from and after the effective date of this Act in which to make full compliance with its provisions; providing for the severability of the provisions of this Act; and declaring an emergency."

The bill was read second time.

Senator Stone offered the following (committee) amendment to the bill:

(1)

Amend H. B. No. 5 by adding the following after the word "Legislature" in the fifth line of Section 7a thereof: "Nor to fraternal orders, associations and societies."

Question—Shall the amendment be adopted?

Senator Stone was recognized to speak to the pending question.

By unanimous consent, Senator Stone was permitted to yield the floor without losing the privilege of continuing his address when consideration of H. B. No. 5 is resumed.



**House Bill 230 on Second Reading**

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 230 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 230, A bill to be entitled "An Act to amend Section 1 of Article 2351a of the Revised Civil Statutes of Texas of 1925, the same being H. B. No. 427, Acts 1937, of the Forty-fifth Legislature, Regular Session, by providing for the addition thereto of counties having not less than six thousand, one hundred (6,100) and not more than six thousand, one hundred and eighty (6,180), according to the last preceding Federal Census; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 230 on Third Reading**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 230 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

**House Bill 229 on Second Reading**

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 229 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 229, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than six thousand, one hundred (6,100), and not more than six thousand, one hundred eighty (6,180), and in counties having a population of not less than nine thousand, four hundred (9,400), and not more than nine thousand, six hundred (9,600), according to the last preceding Federal Census, to allow each county commissioner and county judge, certain traveling expenses while traveling on official business; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 229 on Third Reading**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 229 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Brownlee
Beck	Chadick

Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

#### House Bill 649 on Second Reading

On motion of Senator Hill, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 649 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 649, A bill to be entitled "An Act amending H. B. No. 804, Forty-fifth Legislature, Regular Session, approved May 1, 1937, making it unlawful to keep, impound, confine, or transport game fish in live boxes or ponds, or to have live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported, and to

possess, keep, or place in storage more than thirty game fish in Harrison and Marion Counties, State of Texas; defining the terms 'live box,' 'pond,' 'in storage,' and 'game fish,' as used in this Act; providing for the liberation or destruction of fish confined or impounded, or kept in storage, in violation of this Act, and providing penalties for the violation of this Act; all laws and parts of laws conflicting herewith are hereby repealed; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 649 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 649 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Chadick	Lanning
Cotten	Lemens
Fain	Lovelady
Formby	Martin
Graves	Mauritz
Hazlewood	Metcalf

Moffett	Sulak
Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Stone	York

Absent—Excused

Spears

**House Bill 650 on Second Reading**

On motion of Senator Hill, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 650 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 650, A bill to be entitled "An Act making it unlawful for any person to catch, take, or retain in one day, or have in his possession, more than fifteen (15) bass, or more than fifteen (15) crappie or white perch, or more than thirty (30) in the aggregate of both bass and crappie or white perch, thirty (30) game fish and thirty-six (36) goggle-eye and bream totaling sixty-six (66) in Harrison or Marion County, Texas; defining guides, and making it unlawful for guides to catch, take, or retain, or have in their possession, any bass or crappie or white perch in either Harrison or Marion County, Texas; providing penalties for violation thereof; all laws and parts of laws conflicting herewith are hereby repealed; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 650 on Third Reading**

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 650 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hazlewood
Beck	Hill
Brownlee	Isbell
Chadick	Kelley
Cotten	Lanning
Fain	Lemens
Formby	Lovelady
Graves	Martin

Mauritz	Stone
Metcalfe	Sulak
Moffett	Van Zandt
Moore	Vick
Ramsey	Weinert
Shivers	Winfield
Smith	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

**House Bill 367 on Second Reading**

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 367 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 367, A bill to be entitled "An Act making it unlawful to hunt or kill wild foxes in DeWitt County; repealing all laws in conflict therewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 367 on Third Reading**

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 367 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

#### House Bill 708 on Second Reading

On motion of Senator Formby and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 708 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 708, A bill to be entitled "An Act to create Road District No. 4, of Lamb County, Texas; defining its boundaries; providing that said dis-

trict shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; conferring upon said road district all the rights, powers, privileges and duties conferred and imposed by the General Laws of Texas upon road districts, etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 708 on Third Reading

Senator Formby moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 708 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Chadick	Martin
Cotten	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith
Kelley	Stone

Sulak  
Van Zandt  
Vick

Weinert  
Winfield  
York

Absent—Excused

Spears

#### House Bill 446 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 446 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 446, A bill to be entitled "An Act creating a special road law for Brown County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants, validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Brown County when not in conflict herewith; providing this Act shall be cumulative of all General and Special Laws not in conflict herewith; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 446 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 446 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin  
Beck  
Brownlee  
Chadick  
Cotten  
Fain  
Formby  
Graves  
Hazlewood  
Hill  
Isbell  
Kelley

Lanning  
Lemens  
Lovelady  
Martin  
Mauritz  
Metcalfe  
Moffett  
Moore  
Ramsey  
Shivers  
Smith  
Stone

Sulak  
Van Zandt  
Vick

Weinert  
Winfield  
York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

#### House Bill 5 on Engrossment

The Senate resumed consideration of H. B. No. 5, relating to industrial life insurance, on its passage to third reading, the bill having been read second time today.

With (committee) amendment (1) offered by Senator Stone, pending.

Question—Shall the (committee) amendment (1) be adopted?

By unanimous consent, Senator Stone again was permitted to yield the floor without losing the privilege to continue his address when consideration of H. B. No. 5 is resumed again.

#### Committee Substitute House Bill 19 on Final Passage

On motion of Senator Van Zandt, and by unanimous consent, C. S. H. B. No. 19, the motor truck load limit bill, was called from the table for further consideration at this time.

The President laid the bill, with the pending amendment by Senator Lanning before the Senate.

Question—Shall the amendment be adopted?

Proposed Amendments to Committee  
Substitute House Bill 19

Senator Van Zandt, by unanimous consent, submitted at this time, the following proposed amendments to the bill:

(1)

Amend H. B. No. 19 by striking therefrom the provision relating to the hours of service of truck drivers that were placed in said bill by the Hazlewood and Lovelady amendment, and insert in lieu thereof the following:

Amend Subsection 6cc, Chapter 277, Acts Forty-second Legislature, Regular Session, 1931, to hereafter read as follows:

"Section 6cc. No motor carrier operating in whole or in part in this State under a certificate or permit issued by the Railroad Commission of Texas, or any officer or agent of such motor carrier, shall require or knowingly permit any truck driver or his helper to drive or operate a truck for a period longer than ten (10) consecutive hours; and whenever such driver or helper shall have been continuous on such duty for ten (10) hours, he shall be relieved and shall not be required or knowingly permitted to again go on duty until he has had at least eight (8) consecutive hours off duty; and no such driver or helper who has been on such duty ten (10) hours in the aggregate in any twenty-four (24) hour period, shall be required or knowingly permitted to continue or again go on duty without having had at least eight (8) consecutive hours off duty; and venue for prosecution under this Section shall lie in the county of the residence of the defendant; provided, that in cases of emergency caused by the Act of God, or any other emergency over which the operator has no control, the foregoing restrictions as to hours shall not apply."

(2)

Amend H. B. No. 19 by striking therefrom the provision authorizing license and weight inspectors, highway patrolmen, sheriffs, etc., to weigh trucks as placed in the bill by the Hazlewood and Lovelady amendment, and substitute in lieu thereof the following, to be identified by proper section number:

That Sec. 6 of S. B. No. 11, Chapter 42, General Laws, Second Called

Session, Forty-first Legislature, be hereby amended to read as follows:

"Sec. 6. Any license and weight inspector of the Department of Public Safety, any highway patrolman or any sheriff or his duly authorized deputy having reason to believe that the gross weight of a loaded vehicle is unlawful is authorized to weigh the same by means of portable or stationary scales furnished or established by the Department of Public Safety, or cause the same to be weighed by any public weigher, and to require that such vehicle be driven to the nearest available scales in the direction of destination, for the purpose of weighing. In the event the gross weight of any such vehicle be found to exceed the maximum gross weight authorized by law, such license and weight inspector, highway patrolman, sheriff, or his duly authorized deputy shall demand and require the operator or owner thereof to unload such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum gross weight authorized by law. Provided, however, that if such load consists of livestock, perishable merchandise, or merchandise that may be damaged or destroyed by the weather, then such operator shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging said excess cargo. The officers named herein are only officers authorized to enforce the provisions of this Act, and it is further provided that it shall be unlawful for any such officer to demand, collect, or receive any fees of office in connection with the arrest or prosecution for violation of any provision of this Act."

(3)

Amend H. B. No. 19 by striking therefrom all of the provisions placed in said bill by the Hazlewood and Lovelady amendment relating to penalties, etc., as evidenced by all of the provisions of said amendments except paragraph one thereof and substitute in lieu thereof a new Section to be properly numbered and read as follows:

"(a) Any person, corporation, receiver or association who violates any provision of Section five (5) of this Act (the Section fixing the gross weight of commercial motor vehicles) shall, upon conviction, be punished by

a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars; for a second conviction within one year thereafter such person, corporation, receiver, or association shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars or imprisonment in the county jail for not more than sixty (60) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the second conviction such person, corporation, receiver or association shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. It shall be the duty of the judge of the court to report forthwith to the Department of Public Safety any convictions obtained in his court under this Section, and it shall be the duty of the Department of Public Safety to keep a record thereof.

"(b) If any corporation is convicted for the violation of any provision of this Act and fails to pay the fine assessed, the district or county attorney in the county in which such conviction was had is hereby authorized to file suit in a court of competent jurisdiction against such corporation to collect such fine."

Senator Moore submitted at this time and asked to have printed in the Journal, the following proposed amendment to the bill:

Amend H. B. No. 19 by adding thereto a new Section appropriately numbered and reading as follows:

"Section .... Nothing in this Act shall in any way alter, amend, repeal or modify any part of Chapter 41, Acts Second Called Session, Forty-first Legislature."

#### Minority Report

The following minority report on S. B. No. 12 was submitted at this time:

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 12, A bill to be entitled "An Act amending Article 5510 of the

Revised Civil Statutes of 1925, relating to the ten year limitation on actions to recover lands, tenements and hereditaments so as to require the person in peaceable and adverse possession to pay all taxes without delinquency during the last five years of such adverse possession; and declaring an emergency."

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass and be printed.

VICK,  
GRAVES,  
STONE.

#### Recess

Senator Metcalfe moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:30 o'clock p. m., took recess until 10:00 o'clock a. m. tomorrow.

### THIRTY-EIGHTH DAY

#### (CONTINUED)

(Thursday, March 20, 1941)

The Senate met at 10:00 o'clock a. m., and was called to order by President Stevenson.

#### Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
March 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 471, A bill to be entitled "An Act repealing H. B. No. 907, Chapter 34, Special Laws, Acts of the Forty-sixth Legislature, Regular Session, known as the Road Work Law for Blanco County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.